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|---|------------------|------------------|--|
| <b>Examiner-Initiated Interview Summary</b> | Application No.  | Applicant(s)     |  |
|   | 09/768,450       | SLOOT, ALEXANDER |  |
|   | Examiner         | Art Unit         |  |
|   | Cheryl N Hawkins | 1734             |  |

**All Participants:**

(1) Cheryl N Hawkins.

(2) Todd M Oberdick.

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 25 August 2003

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

N/A

Claims discussed:

N/A

Prior art documents discussed:

N/A

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

\_\_\_\_\_  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner Hawkins contacted Attorney Oberdick to inform him that the Examiner's Amendment discussed on a previous occasion would not be entered due to the discovery of new prior art which can be used to reject Claims 1-8 present in this case. Claims 9-12 still remain allowable over the prior art of record. .

Art Unit: 1772

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a method of making an article, classified in class 156, subclass 251.
- II. Claims 13-16, drawn to an article with a fabric layer, classified in class 428, subclass 192.
- III. Claim 17, drawn to an apparatus for making an article, classified in class 156, subclass 515.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I, claims 1-12 and Group II, claims 13-16 are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the article could be made by cutting by hand then sealing the layers by ultrasonic or thermal bonding.

Art Unit: 1772

3. Inventions Group I, claims 1-12 and Group III, claim 17 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus could be used to join and cut two thermoplastic films not laminated to fabrics.

4. Inventions Group III, claim 17 and Group II, claims 13-16 are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the apparatus could be used to make a product such as two metal layers joined by edge sealed thermoplastic.

Art Unit: 1772

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and since the fields of search are not co-extensive, restriction for examination purposes as indicated is proper.

6. During a telephone conversation between Examiner William Watkins on 11 June 2002 and Mr. Todd Oberdick a provisional election was made with traverse to prosecute the invention of Group I, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

*W. Watkins*  
8-10-02

*William P. Watkins III*

WILLIAM P. WATKINS III  
PRIMARY EXAMINER